

Justice Committee Meeting Minutes

The Justice Committee of the McLean County Board met on Monday, May 5, 2003 at 5:15 p.m. in Room 700 of the McLean County Law and Justice Center, 104 W. Front Street, Bloomington, Illinois.

Members Present: Chairman Renner, Members Rodgers, Johnson, Nuckolls, Kinzinger and Rackauskas

Members Absent: None

Staff Present: Mr. John Zeunik, County Administrator; Mrs. Carmen Zielinski, Administrator's Office

Department Heads/
Elected Officials

Present: Mr. Jim Wahls, Director, E.S.D.A.; Mr. Curtis Hawk, Assistant Director, E.S.D.A.; Ms. Billie Larkin, Director, Children's Advocacy Center; Mr. Bill Gamblin, Director, E-911; Ms. Beth C. Kimmerling, Coroner; Ms. Roxanne Castleman, Director, Court Services; Mr. William Yoder, State's Attorney; Judge John P. Freese, Chief Judge Eleventh Judicial Circuit

Members of the

Public Present: Ms. Barbara Stuart, Alternatives to Jail Committee, League of Women Voters and Ms. Carol Reitan, Collaborative Solutions Institute

Chairman Renner called the meeting to order at 5:17 p.m.

Chairman Renner placed the Justice Committee minutes of April 7, 2003 on file as presented.

Mr. Jim Wahls, Director, E.S.D.A./Civil Defense, presented a request for approval of a Grant Application through the Illinois Department of Nuclear Safety pertaining to the Illinois Nuclear Safety Preparedness Act. Mr. Curtis Hawk, Assistant Director, E.S.D.A., explained that this grant is in accordance with the local Compensation of Local Governments for Emergency Planning and Participation in the Nuclear Emergency Response Exercises. This application for a grant in the amount of \$8,100.00 is being submitted for the purpose of defraying the anticipated or incurred expenses of government entities in implementing the plans and programs authorized by the Illinois Nuclear Safety Preparedness Act. The term of the proposed grant is July 1, 2003 through June 30, 2004. These funds will reimburse McLean County for six telephone lines in the Operations Room and one Fax telephone line, three cellular phones (one located in the mobile communications van and the other two for Director and Assistant Director) for communications with the Illinois Department of Nuclear Safety (IDNR) and other

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agencies; replacement of a Fax machine and six portable radios to facilitate communications.

Motion by Rodgers/Kinzinger to recommend approval of a Grant Application submitted by E.S.D.A. through the Illinois Department of Nuclear Safety pertaining to the Illinois Nuclear Safety Preparedness Act. Motion carried.

Mr. Hawk informed the Committee of a potential \$38,000.00 Local Emergency Planning Grant through the Federal Emergency Management Agency (FEMA). Mr. Hawk explained that E.S.D.A. is requesting authorization for a subgrant from the Illinois Emergency Management Agency (JEMA). These funds will provide funding for further planning, expansion and development of a "Weapons of Mass Destruction Annex" for the present emergency plan.

Ms. Rackauskas asked what guidelines does E.S.D.A. use to develop this plan. Mr. Hawk answered that as a matter of fact, the State of Illinois has been using the McLean County Disaster Plan as a model. Mr. Wahls stated that in the McLean County Disaster Plan, there is an annex strictly on terrorism. At a regional meeting in Urbana, McLean County's plan was cited as a model for other counties to start from in the development their plan.

Ms. Rackauskas asked if the terrorism plan in the McLean County Disaster Plan is ready for implementation. Mr. Hawk answered that the personnel involved with the terrorism plan have been trained and are ready.

Mr. Wahls reported on the Weather Watch Program Status. Mr. Wahls noted that 112 volunteers attended the Weather Spotter Training Class in March. A representative from the National Weather Service conducted the class this year. Mr. Wahls stated that there are over 1,200 volunteer weather spotters in McLean County.

Mr. Wahls discussed the Terrorist Readiness Plan Pamphlet. Mr. Wahls stated that these pamphlets have been distributed to employees and the County Board. These pamphlets are being made available to citizens' groups.

Mr. Wahls referred to the Superfund Amendments and Reauthorization Act (S.A.R.A.) Mr. Wahls noted that this was a list of facilities that handle, use, manufacture or store extremely hazardous materials in McLean County. There used to be 157 facilities, but that number has dropped to 88 facilities in McLean County. Mr. Wahls noted that there are about 17 Service Fertilizer Plants that are not in compliance in McLean County at this time, but movement is under way to being these facilities into compliance quickly.

Ms. Billie Larkin, Children's Advocacy Center, presented the Monthly Statistical Report for the Children's Director, Advocacy Center. Ms. Larkin stated that two CASA case managers attended the National CASA Conference in Boston, MA, at the end of March. The conference provided new information regarding issues of child abuse and neglect. There were training sessions on domestic violence and substance abuse.

Ms. Larkin explained that the new cases being assigned by Judge Ronald C. Dozier are being reviewed in order to match them with the new volunteers. Only two new cases were assigned last month, serving three additional abused and neglected children in McLean County. There are no available volunteers to accept new cases. Currently, there are 33 additional children needing someone to advocate for them. so with Judiciary approval, these cases are being placed on "hold". A new CASA class started on March 24th with 15 volunteers, who will graduate graduated on May 1st, 2003.

Mr. Bill Gamblin, 911 Administrator, E.T.S.B., informed the Committee that two more wireless carriers are on line in Phase I. The remaining two carriers, Nextel and AT&T, are expected to be on line by the middle of May. In the meantime, ETSB staff is working on Phase II of the wireless system. Phase II will allow the caller to be located on the CAD map in the Dispatch Room. The staff has worked in an accelerated manner on this program, which is expected to go on line in September or October of 2003.

Mr. Gamblin informed the Committee that Woodford County has initiated their process to go Enhanced 911. McLean and Woodford Counties share certain central office telephone exchanges. During the next year or two, monthly reports will show the fluctuation of services between the two Counties.

Mr. Gamblin informed the Committee of a new service, presently in use in St. Louis, that offers telephone service over the internet called Vonage. This service provides unlimited long distance and local telephone services for \$39.99 per month. One of the system's limitations is that 911 cannot be dialed through this service. This service may be moving towards Bloomington/Normal within the next six months.

Chairman Renner commented that because this service is through the internet, no E-911 surcharge can be charged to the user. Mr. Gamblin explained that when wireless came along, the Emergency Telephone System Act only covered landline phones. So, when wireless phones came along, two issues occurred. One, no surcharges were in place because it was not a landline, since it is essentially an 800 MHZ radio system, and two, this service was not covered under Illinois law. It was covered under the Federal Communication Commission (FCC). Mr. Gamblin stated that a surcharge was developed for wireless through the Illinois National Emergency Number Association (INENA) and the carriers. As for a surcharge for an internet telephone, that is something that has not been developed. The FCC has stated that the internet is an uncontrollable resource.

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Mr. Gamblin will keep the Committee informed.

Ms. Beth C. Kimmerling, County Coroner, discussed the Coroner's Office Monthly Report for March 2003. Ms. Kimmerling noted that deaths in McLean County decreased in March, but the out-of-county deaths quadrupled. Ms. Kimmerling explained that Peoria County does not have a pathologist at this time, so McLean County is currently doing their cases.

Ms. Sandra Parker, Circuit Clerk, was not present to discuss the Monthly Statistical Report for March 2003. At this time, Committee members did not have any questions regarding the Circuit Clerk's report.

Ms. Joan Naour, Director, Correctional Health Services, was not present to discuss the First Quarter Report for 2003 for the McLean County Correctional Health Services. Committee members did not have any questions regarding this report.

Sheriff David Owens, Sheriff's Department, was not present this evening. The Committee did not have any questions regarding the McLean County Detention Facility Population Report.

At this time, Chairman Renner referred to the Alternatives to Jail: Follow-Up Report, and asked that Chief Judge John Freese, Ms. Roxanne Castleman, Sheriff Dave Owens, Ms. Amy Davis, Mr. John Zeunik and members of the League of Women Voters to join the Committee members at the conference table. Chairman Renner stated that this group met and discussed the data presently available. It was determined that additional information should be requested before development of a policy on Electronic Monitoring and a Pre-Trial Release Program. Further information needs to be gathered on people awaiting sentencing and those who have been sentenced.

Chairman Renner noted that during the June Justice Committee meeting, the topic regarding Alternatives to Jail would be discussed at length. After that, the Justice Committee could decide to move this issue forward to the County Board for their approval. If the County Board approves it, budgetary guidelines will be set for the 2004 budget cycle.

Judge Freese commented that the program initiated through the State's Attorney's Office early this year was geared to help with the jail population issue, but there may not be enough data collected at this time to effectively measure the impact of this program. One of the issues that the Criminal Justice Team members discussed was that the materials being developed by the Illinois Wesleyan intern need to be clearer. Judge Freese stated that there is a need for a breakdown between those people who are in pre-trial status and those people who are serving sentences. Any program that is developed could serve

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both populations, or one population or the other.

Judge Freese stated that Ms. Castleman's original draft to staff this program was based on a Pre-Trial Release Program as opposed to a combined program of Pre-Trial and

Post-Sentencing, or a program that emphasizes one or the other. Judge Freese believes that Ms. Castleman's estimate for staffing numbers is still an appropriate number, because not everyone sentenced will be eligible for any type of electronic monitoring. The State's Attorney's willingness to agree to electronic monitoring post-sentencing will likely be substantially different than his willingness to agree to electronic monitoring pre-trial. There are a lot of issues that still need to be sorted out. The statistics compiled in the first four months are very helpful, but additional data is needed to compare those detainees who are pre-trial restrain and those detainees who are sentenced.

Ms. Roxanne Castleman, Director, Court Services, stated that her estimated number of staff needed to support any program still stands at four. The need for more staffing can be evaluated after the program is underway and data is collected. The issue of staffing depends on the number of requirements added to the sentenced people, such as drug testing, employment checks, health issues, etc. For those people who have been sentenced, it is likely that a probation office would already have been assigned, so a lot of the issues mentioned before will be handled by the probation officer.

Chairman Renner stated that under the circumstances, with another month of statistics to rely on, it looks like the program would still be slanted toward those who are awaiting sentencing. Judge Freese noted that there is a wider range of tools available for sentencing individuals. Whereas, in the present pre-trial setting, the judge orders jail with a cash-bond set or it is a personal recognizance bond release with no monitoring. Judge Freese noted that the Alternative to Jail Committee and the Criminal Justice Advisory Council, in their reports, recommended that emphasis be placed on the Pre-Trial level. There is no intention to exclude the sentencing alternatives, but jail overcrowding may be impacted through the pre-trial release program.

Mr. William Yoder, State's Attorney, stated that the State's Attorney's perspective on the pre-trial release program and electronic monitoring is to welcome any number of alternatives that may be available. In pre-trial situations, it would be a good idea to have a cash bond and electronic monitoring option for someone who is not categorized as high risk. On the sentencing end of a case, it is another tool for the judges to use. Mr. Yoder noted that with the change in charging practices made in the State's Attorney's Office, the State's Attorney's Office will be seeking tougher sentences. If the State's Attorney's Office asks for jail time, they would like this jail time to be served within the facility not outside the jail facility with an electronic monitor. Mr. Yoder stated that at this time, he would like to see what the numbers amount to and determine exactly where to invest the funds so they are best used.

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Mr. Yoder referred to the felony numbers for 2003. From February 1st through March 31st, there were no inmates housed out-of-county. April statistics show numbers reaching up to 20 housed out-of-county. Mr. Yoder cannot say what caused the increase in the number housed out of the County, other than, the State's Attorney's monthly report shows an increase in the number of cases.

Chairman Renner noticed that the year-to-date total for felonies in the State's Attorney's Office are substantially lower than 2002. Mr. Yoder commented that the 1200 to 1300 numbers are on target with the projection made by his office for felony cases, based on the new policies for 2003.

Chairman Renner stated that the Justice Committee is charged with recommending a policy to the County Board. The statistical and demographic information collected should be monitored through November, when the fiscal year 2004 budget is approved. Chairman Renner suggested that Justice Committee members review the numbers provided and have some opinion to share during the June Justice Committee meeting.

Judge Freese suggested that the intern document the breakdown between felony and misdemeanor charges on people who are being detained.

Ms. Rackauskas would like to have written data that has been analyzed included in the reports. This would provide the Committee members with more insight from the professionals involved with the system on a day-to-day basis.

Judge Freese noted that electronic monitoring, once implemented, would not be used only in cases where cash bonds are being set. There might be people who are issued a personal recognizance bond, but have missed three or four court appearances in the past, who will be more responsive to their court appearance appointments because of the electronic monitor. If the Judges are provided with additional tools, the Judges will use those tools.

Ms. Rackauskas commented that electronic monitoring may be another form of rehabilitation available.

Ms. Barbara Stuart, League of Women Voters, Alternative to Jail Committee, asked if there was still a plan to use the pre-trial screening instruments previously discussed.

Ms. Castleman answered that yes, the screening instrument is still in the plans for use.

Ms. Roxanne Castleman, Director, Court Services, discussed the Monthly Statistics.

Ms. Castleman noted that there are twenty minors in the Detention Facility at the present time. Three of the minors are from out-of-county. Last weekend, the Detention Facility held a total of 24 minors. The numbers are starting to increase again.

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Mr. Bill Yoder, State's Attorney, referred to the State's Attorney's Office Case Load and the Asset Forfeiture Reports. The Committee did not have further questions at this time.

Ms. Amy Davis, Public Defender, was not present to discuss the Public Defender's Office Monthly Statistic Report.

Ms. Rodgers complimented Coroner Beth Kimmerling on the wonderful presentation she provided regarding the Coroner's Office for the students that participated in the Student Government Day. Ms. Rackauskas agreed with Member Rodgers that McLean County's Coroner is an asset for the County.

Mr. John M. Zeunik, County Administrator, did not have any items for the Committee at this time.

Chairman Renner presented the bills, as transmitted and recommended by the County Auditor, for review and approval by the Justice Committee.

Ms. Rodgers wondered why copies of the bills were not provided for the Committee members to review before the meeting. Mr. Zeunik answered that the only Committee that has requested that copies of the bills be provided to the members has been the Transportation Committee. Mr. Zeunik stated that a reason for this may be because the Transportation Committee oversees only one department. The Justice Committee oversees thirteen departments.

Motion by Rackauskas/Kinzinger to recommend approval of the bills, as presented by the County Auditor. Motion carried.

There being nothing further to come before the Committee at this time, Chairman Renner adjourned the meeting at 6:14 p.m.

Respectfully submitted,

Carmen I. Zielinski
Recording Secretary

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